



DOCKET NO: WYTH0087-101 (AM100159P1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Yardley, Abou-Gharbia and Ullrich

Serial No.: 10/692,542

Group Art Unit: 1625

Filing Date: October 24, 2003

Examiner: B. Robinson

For: Ethers of O-Desmethyl Venlafaxine

EXPRESS MAIL LABEL NO: EV676984354US  
DATE OF DEPOSIT: October 20, 2006

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and in accordance with 37 C.F.R. §§ 1.97 and 1.98, information relating to the above-identified application is hereby disclosed, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO Forms SB/08A and SB/08B, formerly known as PTO Form 1449, submitted herewith.

Inclusion of the information submitted herewith is not to be construed as an admission that the information is material as that term is defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made.

This Supplemental Information Disclosure Statement is being filed:

- within three months of the filing date of the patent application.
- within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 of the international application.
- before the mailing date of a first Office Action on the merits.
- before the mailing date of a first Office Action on the merits after the filing of a Request for Continued Examination under § 1.114.

- after the mailing date of a first Office Action on the merits or after the filing of a Request for Continued Examination under § 1.114, but before the mailing date of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311, and accordingly is accompanied by:
  - the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below);  
or
  - the Fee of \$180.00 set forth in 37 C.F.R. § 1.17(p); or
  - No fee is owed by the applicant(s).
- In accordance with 37 C.F.R. § 1.129(a), this Information Disclosure Statement is being filed in connection with the  first or  second After Final Submission, and accordingly is accompanied by the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below) and the fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p), is attached.
- after the mailing date of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311, but before, or simultaneously with, the payment of the Issue Fee, and accordingly is accompanied by the Statement under 37 C.F.R. § 1.97(e), and the Fee of \$180.00 set forth in 37 C.F.R. § 1.17(p).
- Copies of the references listed on the attached PTO Forms SB/08A and SB/08B, formerly known as PTO Form 1449, are enclosed.

**EXCEPT THAT:**

- In view of the voluminous nature of references, and the likelihood that these reference are available to the Examiner, copies are not enclosed herewith.
- In accordance with 37 C.F.R. § 1.98(d), a copy of reference nos. 19, 20, 21 and 22 listed on the attached PTO Form SB/08B, formerly known as PTO Form 1449, is not enclosed herewith because it was previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) no. 10/315,699, for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.
- If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

**Statement under 37 C.F.R. § 1.97(e)**

- The undersigned attorney hereby states that each item information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 C.F.R. § 1.704(d)**

The undersigned attorney hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and the communication was not received by any individual designated in §1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement.

**Fees**

No Fee is owed by the applicant(s).

The Supplemental Information Disclosure Statement Fee of \$180.00 under 37 C.F.R. § 1.17(p) is enclosed/authorized herewith.

The Petition Fee of \$130.00 under 37 C.F.R. § 1.17(i)(1) is enclosed herewith.

**Method of Payment of Fees**

Attached is a check in the amount of \$\_\_\_\_\_ . This form is submitted in duplicate.

Charge Deposit Account No. 50-1275 in the amount of \$180.00. This form is submitted in duplicate.

Please charge any deficiency or credit any overpayment to Deposit Account 50-1275.

No fee or Statement is required under 37 C.F.R. § 1.97(b).

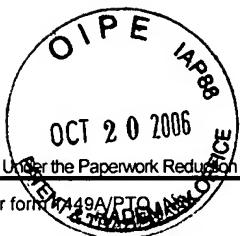
Respectfully submitted,



Michael A. Patane  
Registration No. 42,982

Dated: October 20, 2006

COZEN O'CONNOR, P.C.  
1900 Market Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19103-3508  
(215) 665-2000 - Telephone  
(215) 665-2013 - Facsimile



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<p>Substitute for form 1A/149A/PTO-50 U.S. PATENT AND TRADEMARK OFFICE</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(Use as many sheets as necessary)</i></p>		<b>Complete if Known</b>	
		Application Number	10/692,542
		Filing Date	October 24, 2003
		First Named Inventor	John P. Yardley
		Art Unit	1625
		Examiner Name	Binta M. Robinson
		Attorney Docket Number	WYTH0087-101 (AM100159P1)
Sheet	1	of	2

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

**(Use as many sheets as necessary)**

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of 2

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO		<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<i>Application Number</i>	10/692,542
		<i>Filing Date</i>	October 24, 2003
		<i>First Named Inventor</i>	John P. Yardley
		<i>Art Unit</i>	1625
		<i>Examiner Name</i>	Binta M Robinson
(Use as many sheets as necessary)			
Sheet	2	of	2
		<i>Attorney Docket Number</i>	WYTH0087-101 (AM100159P1)

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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